

Panaji, 1st February, 2007 (Magha 12, 1928)

SERIES I No. 44

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

Note: There are three Extraordinaries and one Supplementary to the Official Gazette Series I No. 43 dated 25-1-2007 namely:—

- (1) Extraordinary dated 25-1-2007 from pages 1073 to 1074 regarding Notification from Department of Industries.
- (2) Extraordinary (No. 2) dated 29-1-2007 from pages 1075 to 1080 regarding Notification from Department of Finance (Revenue and Control Division).
- (3) Supplementary dated 29-1-2007 from pages 1081 to 1086 regarding Bills from Goa Legislature Secretariat.
- (4) Extraordinary (No. 3) dated 30-1-07 from pages 1087 to 1090 regarding Notification from Dept. of Law and Judiciary (Legal Affairs Division).

### GOVERNMENT OF GOA

Department of Finance

Budget Division

#### Notification

1-5-2006/Fin (Bud)/134

In exercise of powers conferred under sub-section 3 of section 1 of the Goa Fiscal Responsibility and Budget Management Act, 2006 (Goa Act 12 of 2006), Government hereby fixes 1-9-2006 as the date on which the Goa Fiscal Responsibility and Budget Management Act, 2006 (Goa Act 12 of 2006) shall come into force.

By order and in the name of the Governor of Goa.

Siddhivinayak S. Naik, Under Secretary, Finance (Bud-II).

Porvorim, 11th August, 2006.

Department of Civil Supplies and  
Consumer Affairs

#### Notification

DCS/ENF/CONT-ORD/14/1/1

Order bearing No. G.S.R. 743(E) dated 7th December, 2006 issued by the Ministry of

Petroleum and Natural Gas, Government of India, published in Part-II, section 3(i) of Gazette of India (Extraordinary) dated 12th December, 2006 regarding order to amend the Solvent, Raffinate and Slop (Acquisition, Sale, Storage and Prevention of use in Automobiles) order 2000 is hereby re-published for general information of the public.

Ashok N. P. Dessai, Director, Civil Supplies and Consumer Affairs and ex officio Joint Secretary.

Panaji, 16th January, 2007.

### MINISTRY OF PETROLEUM AND NATURAL GAS

#### Order

New Delhi, the 7th December, 2006

G.S.R. 743(E).— In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Solvent, Raffinate and Slop (Acquisition, Sale, Storage and Prevention of use in Automobiles) Order, 2000, namely:—

1. (1) This Order may be called the Solvent, Raffinate and Slop (Acquisition, Sale, Storage and Prevention of use in Automobiles) Second Amendment Order, 2006.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Schedule to the Solvent, Raffinate and Slop (Acquisition, Sale, Storage and Prevention of use in Automobiles) Order, 2000, following serial numbers 16 and 17 and entries relating thereto,

shall be omitted namely:—

- “(16) Benzene
- (17) Toluene”

[F No. P-11013/1/04-Dist.]  
D. N. NARASIMHA RAJU, Jt. Secy.

**Note:** The principal order was published in the Gazette of India, Extraordinary vide number G.S.R. 519(E) dated the 5th June, 2000 and lastly amended vide number G.S.R. 404(E) dated the 4th July, 2006.

### Goa Legislature Secretariat

LA/A/BILLS/3043/2007

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 24-1-2007 is hereby published for the general information in pursuance of the provisions of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

### The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Bill, 2007

(Bill No. 3 of 2007)

A

BILL

*further to amend the Legislative Diploma No. 2070 dated 15-4-1961, in its application to the State of Goa.*

BE it enacted by the Legislative Assembly of Goa in the Fifty-seventh Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 2007.

(2) It shall come into force at once.

2. *Amendment of Article 334-A*— In Article 334-A of the Legislative Diploma No. 2070 dated 15-4-1961, in the fourth proviso, for the words “to any educational”, the words “to any non-polluting industry or educational” shall be substituted.

### Statement of Objects and Reasons

Article 334-A of the Legislative Diploma No. 2070 dated 15-04-1961 (hereinafter referred to as the “said Act”), provides for grant of Comunidade land on lease for various categories and for various purposes as specified therein. Clause (iii) of said Article 334 -A of the said Act, provides for grant of not more than 400 sq.mts. of Comunidade land on lease for construction of buildings, without auction, for small scale industrial purposes. This land is inadequate to set up even a small scale industry having large employment potential. Apart from this, the existing provisions of the said Act do not provide for allotment of land to medium and large scale industry which generate large scale employment opportunities.

With a view to promote small, medium and large scale non-polluting industries, it is necessary to amend Article 334-A of the said Act to facilitate allotment of land to industries which generate employment to the locals and also revenue to the Government. The aforesaid amendment also aims at promoting non-polluting industries which are environment friendly.

This Bill seeks to amend Article 334-A of the Legislative Diploma No. 2070 dated 15-04-1961 so as to provide for grant of Comunidade land not exceeding 2 lakhs square meters on lease, without auction, to any non-polluting industry.

This Bill seeks to achieve the above objects.

### Financial Memorandum

No financial implications are involved in this Bill.

### Memorandum Regarding Delegated Legislation.

No delegated legislation is involved in this Bill.

Porvorim, Goa  
17th January, 2007

PRATAPSINGH RAOJI RANE  
CHIEF MINISTER

Assembly Hall,  
Porvorim, Goa,  
17th January, 2007.

T. N. DHURVA KUMAR  
SECRETARY  
LEGISLATURE

## ANNEXURE

**Extract of present provisions of ARTICLE 334-A of the  
Goa Legislative Diploma No. 2070 dated  
15-4-1961 (Code of Comunidades)**

"Article 334-A.— Notwithstanding anything contained in article 334, but subject to article 327, a Comunidade may subject to such guidelines as the Government, may, from time to time, issue, grant on lease not more than 10,000/- sq. meters of land to educational societies for construction of playgrounds, and not more than 400 sq. meters of land for construction of houses or buildings, without auction, to any of the following categories or for purposes except that the Co-operative Housing Societies of landless person may be granted land not more than 800 sq. mts.:—

- i) Public, Charitable or Religious Institutions;
- ii) For any scheme of providing housing to the economically weaker sections;
- iii) Small Scale Industrial purposes;
- iv) Government Departments or local bodies;
- v) Co-operative Housing Societies of landless persons;
- vi) Government servants or employees of the Comunidades who are landless;
- vii) Landless Jonoeiros;
- viii) Landless Freedom Fighters;
- ix) Such other categories or purposes as may be notified by the Government, from time to time:

Provided that every notification issued under this clause shall be laid, as soon as may be, after it is issued, before the Legislative Assembly:

Provided further that institutions of public utility and associations of professional bodies duly recognized by the Government may also be granted not more than 10,000 sq. metres of Comunidade land on lease for construction of houses or buildings, without auction:

Provided further that the educational societies, institutions of public utility, social organization and associations, professional bodies duly recognized by the Government and have been granted Comunidade land under any other provisions of law or are in actual possessions of the land, shall be deemed to have granted the same under the provisions of this Legislative Diploma, on payment of annual lease rent:

Provided further that the Government may, with the prior consent of the concerned Comunidade, grant on lease, land admeasuring upto 2 lakhs sq. mts. to

any educational or health institution or any charitable and/or social trust or society or any similar social institution of public utility or engaged in the field of education or health, duly recognized by the Government, for the purpose of any Scheme, without auction:

Provided further that the Scheme for which such grant is made on lease shall be scheme, which is duly approved by the Government and for which a certificate of "No objection" has been issued by the Government.

Provided further that the members of Co-operative Housing Societies and the persons belonging to the categories (vi), (vii) and (viii) above are residing in Goa for preceding 15 years:

Provided also that no person or members of the Co-operative Housing Societies, as the case may be, whose annual income exceeds Rs. 3,50,000/- or such amount as may be prescribed by the Government shall be eligible for grant of land on lease without auction.

Explanation 1 — For the purpose of this Article, the word "landless" means that neither the person nor his or her spouse or minor child owns a plot of land or house in the State of Goa. The word "house" shall also include a flat or apartment.

Explanation 2 — For the purpose of this Article, the annual income of the person shall be construed to mean the annual income of the person or his or her spouse or minor child".

Assembly Hall,  
Porvorim, Goa.  
17th January, 2007.

T. N. DHURVA KUMAR  
SECRETARY LEGISLATURE

LA/A/BILLS/3044/2007

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 23-1-2007 is hereby published for the general information in pursuance of the provisions of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

**The Goa Vexatious Litigation (Prevention)  
Bill, 2007**

(Bill No. 4 of 2007)

A

BILL

*to prevent the institution or continuance of  
vexatious proceedings in Courts.*

BE it enacted by the Legislative Assembly of the State of Goa in the Fifty Seventh Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—

(1) This Act may be called the Goa Vexatious Litigation (Prevention) Act, 2007.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "Government" means the Government of Goa;

(b) "Notification" means a notification published in the Official Gazette;

(c) "Official Gazette" means the Official Gazette of the Government;

3. *Declaration of a person as a vexatious litigant.*— (1) Every application for declaring a person as a vexatious litigant, may be filed, either by,—

(a) the Advocate General or

(b) the person against whom another person has instituted or conducted proceedings, civil or criminal.

(2) The application referred to in sub-section (1) shall set forth in detail the ground or grounds on which the application for declaring a person as a vexatious litigant is based.

(3) If, on receipt of an application under sub-section (1), the High Court is satisfied that the person referred to in the application has habitually and without any reasonable ground instituted vexatious proceedings, civil or criminal, in any Court or Courts, whether against the same person or against different persons, the High Court may, after hearing that person or giving him an opportunity of being heard, declare that person to be a vexatious litigant.

(4) In the case of an application filed under clause (b) of sub-section (1), the High Court may,

if it so desires, also hear the views of the Advocate General on the application.

4. *Leave of Court necessary for vexatious litigant to institute or continue any civil or criminal proceedings.*— (1) If the High Court declares any person to be a vexatious litigant under section 3 of this Act, then, the High Court shall also order that—

(a) no proceedings, civil or criminal, shall be instituted by the said person in the High Court or any other Court subordinate to the High Court; and

(b) no proceedings, civil or criminal, if already instituted by the said person in the High Court or any other Court subordinate to the High Court, shall be continued by him, without obtaining leave of the Court:

Provided that if such proceedings are proposed to be instituted or continued by the vexatious litigant in the High Court, then, the leave of the High Court shall be obtained and in the case of proceedings in any other Court subordinate to the High Court, the leave of the District and Sessions Judge shall be obtained.

(2) Leave shall not be granted unless the High Court or the District and Sessions Judge, as the case may be, is satisfied that the proceedings are not an abuse of the process of the Court and that there is prima facie ground in the proceedings proposed to be instituted or continued by the person declared to be a vexatious litigant.

(3) No appeal shall lie against any order refusing leave for the institution or continuance of any proceedings by the person who is declared to be vexatious litigant under section 3 of this Act.

Provided that nothing in this sub-section shall apply to any appeal which may lie to or any proceedings before the Supreme Court.

(4) If it appears to the High Court that the person against whom an application is made under sub-section (1) of section 3, is unable, on account of poverty, to engage a pleader, the High Court may engage a pleader to appear for him.

*Explanation:*— For the purpose of this section, "pleader" has the same meaning as in clause



(15) of section 2 of the Code of Civil Procedure, 1908 (5 of 1908).

(5) A copy of every order made under sub-section (1) of section 4 directing any person to obtain leave before instituting or continuing proceedings shall be published in the Official Gazette and may also be published in such other manner as the High Court may think fit.

5. *Proceedings instituted or continued without leave to be dismissed.*— Any proceedings instituted or continued in any Court by a person against whom an order under sub-section (1) of section 4 has been made, without obtaining the leave referred to in that section, shall be dismissed by the Court;

Provided that, this section shall not apply to any proceedings instituted for the purpose of obtaining such leave.

6. *Savings.*— The provisions of this Act shall be in addition to and not in derogations of the provisions of any other law for the time being in force for prevention of vexatious proceedings or other abuse of legal process, or which require consent, sanction or approval in any form of any other authority for the institution or continuance of any proceedings.

#### Statement of Objections and reasons

It has been observed that there has been an increasing trend where people are filing vexatious litigations against other persons, with an intention of troubling, harassing, irritating or annoying such other persons without any reasonable grounds. The Government has considered the matter and has decided that this trend should be arrested by enacting a suitable legislation.

This Bill seeks to achieve the above objects.

#### Financial Memorandum

No financial implications are involved in this Bill.

#### Memorandum Regarding Delegated Legislation

Sub-clause (3) of clause 1 of the Bill empowers the Government to appoint, by notification in the Official Gazette, the date on which the Act shall come into force.

This delegation is of normal character.

Assembly Hall,  
Porvorim-Goa.  
19th January, 2007.

DAYANAND NARVEKAR  
Minister for Law

Assembly Hall,  
Porvorim, Goa.  
19th January, 2007.

T. N. DHURVA KUMAR  
(Secretary, Legislature)

LA/A/BILLS/3045/2007

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 23-1-2007 is hereby published for the general information in pursuance of the provisions of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

### THE GOA PANCHAYAT RAJ (AMENDMENT) BILL, 2007

(Bill No. 2 of 2007)

A

BILL

further to amend the Goa Panchayat Raj Act, 1994.

Be it enacted by the Legislative Assembly of the State of Goa in the Fifty-seventh Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Panchayat Raj (Amendment) Act, 2007.

(2) It shall be deemed to have come into force on the 4th day of December, 2006.

2. *Amendment of section 7.*— In section 7 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) (hereinafter referred to as the "principal Act"), after sub-section (8), the following Explanation shall be inserted, namely:—

"*Explanation.*— In this section, the expression "population" means the population as ascertained at the last preceding census of

which the relevant figures have been published, but where figures of census are not available, the population shall be ascertained from other relevant authenticated records maintained by the Government."

3. *Amendment of section 180.*— In section 180 of the principal Act, in sub-section (1),—

- (i) in clause (c), after the figure ":", the word "or" shall be inserted;
- (ii) after clause (c), the following clause shall be inserted, namely:—  
  
“(d) on the expiry of the term of the members of any Panchayat or any Zilla Panchayat, general elections to such Panchayat or to such Zilla Panchayat cannot be held;”.

4. *Repeal and Saving.*— (1) The Goa Panchayat Raj (Amendment) Ordinance, 2006 (Ordinance No. 7 of 2006), is hereby repealed:

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Statement of Objects And Reasons

The Bill seeks to amend section 7 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) (hereinafter referred to as the "said Act"), so as to give the meaning of the word "population" for the purpose of section 7 of the said Act. The Bill also seeks to amend section 180 of the said Act so as to empower the Government to appoint an Administrator, when, on expiry of the term of the members of any Panchayat or any Zilla Panchayat, general elections to such Panchayat or to such Zilla Panchayat cannot be held.

The Bill also seeks to repeal the Goa Panchayat Raj (Amendment) Ordinance, 2006 (Ordinance No. 7 of 2006) and correct the error in the said Ordinance by inserting clause (d) instead of clause (c) in sub-section (1) of section 180 of the said Act.

This Bill seeks to achieve the above objects.

Financial Memorandum

There are no financial implications involved in this Bill.

Memorandum Regarding Delegated Legislation.

No delegated legislation is involved in this Bill.

Assembly Hall,  
Porvorim-Goa,  
Dated:- 19.01.2007.

SHRI SUBHASH SHIRODKAR,  
Minister for Panchayats

Assembly Hall,  
Porvorim-Goa,  
Dated:- 19.01.2007.

SHRI T. N. DRUVA KUMAR,  
Secretary (Legislature)

( Annexure to Bill No. 2 of 2007 )

The Goa Panchayat Raj Act, 1994  
( Act 14 of 1994 )

Section 7:- Constitution of Panchayats.— (1) A Panchayat shall consist of, such number of members as the Government may, by order, determine, so far as may be in accordance with the following Table:—

TABLE		
For a Panchayat with a population of	Number of members	Classification
(1) 1500 or more but not more than 2000	5	D
(2) more than 2000 but not more than 5000	7	C
(3) more than 5000 but not more than 8000	9	B
(4) more than 8000 ...	11	A

(2) All the members of a Panchayat shall be elected.

(3) The Director shall divide each Panchayat area into wards the number of which shall be equal to the number of members determined in respect of such Panchayat under sub-section (1).

(4) In every Panchayat, seats shall be reserved for the Scheduled Castes and the Scheduled Tribes and the number of seats so reserved shall bear as nearly as may be, the same proportion to the total number of seats in

the Panchayat as the population of the Scheduled Castes and the Scheduled Tribes in the Panchayat area bears to the total population of the Panchayat area:

Provided that Government may by notification reserve any seat reserved for Scheduled Castes and Scheduled Tribes for women belonging to the Scheduled Castes or as the case may be, the Scheduled Tribes:

["Provided further that the Government may, by order published in the Official Gazette, direct any Panchayat to co-opt in such manner as may be prescribed, a person belonging to the Scheduled Caste, where there is a reasonable population of the Scheduled Caste but the reservation may not be made.".]

(5) The Government may, by notification reserve such number of seats in any Panchayat as may be considered necessary, taking into account the population of the backward classes in the Panchayat area, for persons belonging to the backward classes.

(6) Not less than one third (including the number of seats reserved for women belonging to Scheduled Castes or Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women:

Provided that the seats reserved under sub-sections (4), (5) and (6) shall be allotted by rotation to different wards in the Panchayat area:

Provided further that nothing contained in this section shall be deemed to prevent a woman or a person belonging to the Scheduled Castes and Scheduled Tribes or Backward Classes from contesting for elections to any non-reserved ward in such Panchayat.

(7) Notwithstanding anything contained in sub-section (1), where two-thirds of the total number of members are required to be elected or have been elected, failure to elect the remaining members shall not affect the constitution of the Panchayat.

(8) The Director shall publish, in the prescribed manner, the names of members elected or deemed to have been duly elected to a Panchayat.

**Section 180:—** Power to appoint Administrator in certain cases.— (1) Whenever,—

- (a) any general election to a Zilla Panchayat or Panchayat under this Act or any proceedings consequent thereon has been stayed by an order of a competent court or authority; or
- (b) all the members or more than ["one half"] of the members of a Zilla Panchayat have resigned; or
- (c) any new Panchayat or deemed Panchayat or any new Zilla Panchayat is established in accordance with the provisions of this Act;

the Government shall, by notification in the Official Gazette, appoint an Administrator for such period as may be specified in the notification and may, by like notification, curtail or extend the period of such appointment, as however the total period of such appointment shall not exceed six months.

(2) Notwithstanding anything contained in this Act, on the appointment of an Administrator under sub-section (1), and during the period of such appointment, the Zilla Panchayat and the Committees thereof and the Adhyaksha or Upadhyaksha of such Panchayat, [ "the Sarpanch or the Deputy Sarpanch or members" ] charged with carrying out the provisions of this Act, or of any other law, shall cease to exercise any powers and perform and discharge any duties or functions conferred or imposed on them by or under this Act or any other law and all such powers shall be exercised and all such duties and functions shall be performed and discharged by the Administrator.

Assembly Hall,  
Porvorim-Goa,  
19th January, 2007.

T. N. DHURVA KUMAR,  
Secretary to the Legislative  
Assembly of Goa.

LA/A/BILLS/3047/2007

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 25-1-2007 is hereby published for the general information in pursuance of the provisions of Rule - 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

### The Goa Information Technology Development Bill, 2007

(Bill No. 5 of 2007)

A  
BILL

To make special provision for securing the orderly establishment of Integrated Information Technology Township/Information Technology Parks in the State of Goa, to assist generally in the organization thereof, and for that purpose to establish an Information Technology Development Corporation, and for purposes connected with the matters aforesaid.

Be it enacted by the Legislative Assembly of Goa in the fifty seventh year of the Republic of India as follows:

## CHAPTER I

## Preliminary

1. *Short title, extent and commencement.*— (1)

This Act may be called the Goa Information Technology Development Act, 2007.

## (2) It extends to the whole of the State of Goa.

(3) It shall be deemed to have come into force with effect from 25th November, 2006.

2. *Definitions.*— In this Act, unless the context otherwise requires,

(a) "amenity" includes road, supply of water or electricity, street lighting, drainage, sewage, conservancy and such other convenience as the Government may, by notification in the Official Gazette, specify to be an amenity for the purposes of this Act;

(b) "building" means any structure or erection, or a part of a structure or erection, which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;

(c) "Collector" means the Collector of the district, and includes any Officer specially appointed by the Government to perform the functions of a Collector under this Act;

(d) "Corporation" means the Goa Information Technology Development Corporation established under section 3;

(e) "development" with its grammatical variations, means the carrying out of building, engineering, quarrying or other operations, in, on, over or under land, or the making of any material change on any building or land, and includes re-development, but does not include mining operations and "to develop" shall be construed accordingly;

(f) "engineering operation" include the formation or laying out of means of access to a road or the laying out of means of water supply;

(g) "Integrated IT Township/IT Parks" means any site selected by the Government where the Corporation shall develop plots, build factories other buildings and make them available for Integrated Information Technology Township/Information Technology Parks;

(h) "means of access" includes a road, wharf or any means of access, whether private or public, for vehicles or boats or for foot passengers;

(i) "premises" means any land or building or part of a building and includes;

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(j) "prescribed" means prescribed by rules made under this Act;

(k) the expression "land" and the expression "person interested" shall have the meanings respectively assigned to them in section 3 of the Land Acquisition Act, 1894 (1 of 1894);

(l) "Government" means the Government of Goa.

## CHAPTER II

## Establishment and Constitution of the Corporation

3. *Establishment and incorporation.*— (1) For the purpose of securing and assisting in the rapid and orderly establishment and organization of Integrated Information Technology Township/Information Technology Parks, there shall be established by the Government, by notification in the Official Gazette, a Corporation by the name of the Goa Information Technology Development Corporation.

(2) The said Corporation shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire, hold and dispose of property, both movable and immovable, and to contract, and do all things necessary for the purposes of this Act.

4. *Constitution.*— (1) The Corporation shall consist of the following ten Directors, that is to say—

(a) Minister in charge of Information Technology Department.



(b) Four Directors to be nominated by the Government.

(c) Secretary to the Government of Goa in the Finance Department.

(d) Secretary to the Government of Goa in the Information Technology Department.

(e) Director of Information Technology.

(f) Managing Director, Goa Industrial Development Corporation (GIDC).

(g) Managing Director, Goa Information Technology Development Corporation. (GITDC)

(2) The Minister in-charge of the Information Technology Department will be the Chairman of the Corporation.

(3) The Government shall appoint one of the Directors of the Corporation to be the Vice-Chairman of the Corporation.

5. *Disqualification for Director.*— A person shall be disqualified for being nominated as a Director of the Corporation, if he —

(a) is an employee of the Corporation, not being the Managing Director; or

(b) is of unsound mind, and stands so declared, by a competent Court; or

(c) is an undischarged insolvent; or

(d) is convicted of an offence involving moral turpitude within a period of five years immediately before his being nominated as Director.

6. *Term of office and conditions of service of Director.*— (1) The Chairman and Directors of the Corporation nominated under clause (b) of sub-section (1) of section 4, shall hold office for a period of 3 years from the date of their nomination unless their term of office is terminated earlier by the Government.

(2) The Directors of the Corporation nominated under clause (b) of sub-section (1) of section 4 shall be entitled to draw such honorarium or compensatory allowance for the purpose of meeting the personal expenditure in attending the meetings of the Corporation or of any Committee thereof or when appointed in connection with the work undertaken by or for the Corporation as may

be prescribed by the Government from time to time.

(3) It is hereby declared that the office of Director or Chairman of the Corporation, in so far as it is an office of profit under the Government of India, or the Government of any State, or the Government of any Union Territory, shall not disqualify the holder for being chosen as, and for being a member of, the Legislative Assembly of Goa.

7. *Meetings of Corporation.*— (1) The Corporation shall meet at such times and places, and shall, subject to the provisions of sub-section (2), observe such rules of procedure in regard to the transaction of its business as may be provided by regulations made under this Act.

(2) A Director, who is directly or indirectly concerned or interested in any contract, loan, arrangement or proposal entered into or proposed to be entered into by or on behalf of the Corporation shall, at the earliest possible opportunity, disclose the nature of his interest to the Corporation when any such contract, loan, arrangement or proposal is discussed.

8. *Cessation of Director.*— (1) If a Director,

(a) becomes, subject to any of the disqualifications mentioned in section 5; or

(b) tenders his resignation in writing to, and such resignation is accepted by the Government; or

(c) is absent without the Corporation's permission from three consecutive meetings of the Corporation, or from all meetings of the Corporation for three consecutive months; or

(d) is convicted of an offence involving moral turpitude, he shall cease to be a Director of the Corporation.

(2) The Government may, by order, suspend from office for such period as it thinks fit or remove from office any Director of the Corporation, who in its opinion,—

(a) has refused to act; or

(b) has become incapable of acting; or

(c) has so abused his position as Director as to render his continuance on the Corporation detrimental to the interest thereof or of the general public; or

(d) is otherwise unfit to continue as a Director:

Provided that, a Director shall not be suspended or removed from office unless he has been given reasonable opportunity to show cause against the order.

9. *Vacancies how to be filled.*— Any vacancy of a Director of the Corporation shall be filled as early as practicable, in like manner as if the appointment was being made originally:

Provided that during any such vacancy, the continuing Directors may act as if no vacancy had occurred.

10. *Temporary absence of Directors.*— (1) If the Chairman or any other Director of the Corporation is by reason of illness or otherwise rendered temporarily incapable of carrying out his duties, or is granted leave of absence by the Government, or is otherwise unable to attend his duties in circumstances not involving the cessation of his Directorship, the Government may appoint another person to act for him and carry out his duties and functions by or under this Act. Such person shall vacate office on the date when the Director for whom he is acting resumes his duties.

(2) In the absence of the Chairman, the Directors present shall choose the Presiding Officer to preside over the meeting.

11. *Proceeding presumed to be good and valid.*— No disqualification of, or defect in the appointment of, any person acting as the Chairman or as a Director of the Corporation, shall vitiate any act or proceeding of the Corporation if such act or proceeding is otherwise in accordance with the provisions of this Bill.

12. *Officers and servants of the Corporation.*—

(1) The State Government shall appoint a Managing Director and a Chief Accounts Officer of the Corporation.

(2) The Corporation may appoint, such other officers and servants, subordinate to the officers mentioned in sub-section (1), as it considers necessary for the efficient performance of its duties and functions.

(3) The conditions of appointment and service of the officers and servants of the Corporation and their scales of pay shall,—

(a) as regards the Managing Director and the Chief Accounts Officer, be such as may be prescribed; and

(b) as regards the other officers and servants, be such as may be determined by regulations made under this Act.

### CHAPTER III

#### Functions and Powers of the Corporation

13. *Functions.*— The functions of the Corporation shall be,—

(i) generally to promote and assist in the rapid and orderly establishment, growth and development of Integrated IT Townships/IT Parks in the State of Goa.

(ii) In particular, and without prejudice to the generality of clause (i), to—

(a) establish and manage Integrated IT Township/IT Parks at places selected by the Government;

(b) develop areas selected by the Government for the above purpose and make them available for undertakings to establish themselves;

(c) undertake schemes or works, either jointly or on agency basis, with other corporate bodies or institutions, or with Government in furtherance of the purposes for which the Corporation is established and all matters connected therewith.

(iii) generally to support and assist the Government in development of e-Governance applications required to be developed to serve citizens and business.

(iv) In particular, and without prejudice to the generality of clause (iii), to—

(a) undertake software development projects selected by the Government;

(b) undertake the activities of providing required hardware to various Government departments as directed by the Government;

(c) undertake the activities of local area network and electrical cabling work required to connect IT hardware and UPS etc. in various departments as directed by the Government;

(d) undertake above activities either directly or jointly or agency basis with other corporate bodies or institutions.

14. *General powers of the Corporation.*— Subject to the provisions of this Act, the Corporation shall have power,—

(a) to acquire and hold such property, both movable and immovable, as the Corporation may deem necessary for the performance of any of its activities, and to lease, sell, exchange or otherwise transfer any property held by it on such conditions as may be deemed proper by the Corporation;

(b) to provide or cause to be provided amenities and common facilities in Integrated IT Township/IT Parks and construct and maintain or cause to be constructed and maintained works and buildings therefor;

(c) to make available buildings on hire or on sale to industrialists or persons intending to start Information Technology industries;

(d) to construct buildings for the housing of the employees;

(e) (i) to allot buildings or parts of buildings, including residential tenements to suitable persons in the Integrated IT Township/IT Parks established or developed by the Corporation;

(ii) to modify or rescind such allotments, including the right and power to evict the allottees concerned on breach of any of the terms or conditions of their allotment;

(f) to constitute advisory committee to advise the Corporation;

(g) to engage suitable consultants or persons having special knowledge or skill to assist the Corporation in the performance of its functions;

(h) subject to the previous permission of the Government, to delegate any of its powers generally or specially to any of its committees or officers, and to permit them to re-delegate specific powers to their subordinates;

(i) to enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of its functions; and

(j) to do such other things and perform such acts as it may think necessary or expedient for the proper conduct of its functions and the carrying into effect the purposes of this Act.

15. *Authentication of orders and documents of Corporation.*— All permissions, orders, decisions, notices and other documents of the Corporation shall be authenticated by the signature of the Managing Director of the Corporation or any other Officer authorised by the Corporation in this behalf.

16. *Directions by the Government.*— The Government may issue to the Corporation such general or special directions as to policy as it may think necessary or expedient for the purpose of carrying out the purposes of this Act, and the Corporation shall be bound to follow and act upon such directions.

#### CHAPTER IV

#### Finance, Accounts and Audit

17. *Application of Corporation's assets.*— All property, funds and other assets vesting in the Corporation shall be held and applied by it, subject to the provisions and for the purposes of this Act.

18. *Corporation's fund.*— (1) The Corporation shall have and maintain its own fund, to which shall be credited,—

(a) all monies received by the Corporation by way of grants, subventions, loans, advances or otherwise;

(b) all fees, costs and charges received by the Corporation under this Act;

(c) all monies received by the Corporation from the disposal of lands, buildings and other properties, movable and immovable, and other transactions;

(d) all monies received by the Corporation by way of rents and profits, or in any other manner or from any other source including the proceeds of any loan authorised by section 20.

(2) The Corporation may keep in current or in deposit account with the State Bank of India or any other Bank approved by the Government in this behalf such sum of money out of its fund as may be prescribed and any money in excess of the said sum shall be invested in such manner as may be approved by the Government.

(3) Such accounts shall be operated upon by such officers of the Corporation as may be authorised by it by regulations made in this behalf.

**19. Grants, subventions, loans and advances and capital contribution to the Corporation.—**

The Government may, after due appropriation made by the Legislature by any law in this behalf, make such grants, subventions, loans and advances and capital contributions to the Corporation as it may deem necessary for the performances of the functions of the Corporation under this Act; and all grant, subventions, loans and advances and capital contribution made shall be on such terms and conditions as the Government may, after consulting the Corporation, determine.

**20. Power of the Corporation to borrow.—** The Corporation may, subject to such conditions as may be prescribed in this behalf, borrow money in the open market or otherwise with a view to providing itself with adequate resources.

**21. Deposits.—** The Corporation may accept deposits on such conditions as it deems fit from persons, authorities or institutions to whom allotment or sale of land, buildings or sheds is made or is likely to be made in furtherance of the objects of this Act.

**22. Reserve and other funds.—** (1) The Corporation shall make provision for reserve and other specially denominated funds as the Government may, from time to time, direct.

(2) The management of the funds referred to in sub-section (1), the sums to be transferred from time to time to the credit thereof and the application of money comprised therein, shall be determined by the Corporation.

(3) None of the funds referred to in sub-section (1) shall be utilized for any purpose other than that for which it was constituted, without the previous approval of the Government.

**23. Expenditure from funds.—** (1) The Corporation shall have the authority to spend such sums as it thinks fit for the purposes authorised under this Act from and out of the general fund of the Corporation referred to in section 18 or from the reserve and other funds referred to in section 22, as the case may be.

(2) Without prejudice to the generality of the power conferred by sub-section (1), the Corporation may contribute such sums as it thinks fit towards expenditure incurred or to be incurred by any local authority or statutory public

undertaking in the performance of the statutory functions of such authority or undertaking, including expenditure incurred in the acquisition of land.

**24. Budget and programme of work.—** (1) The Corporation shall, by such date in each year as may be prescribed, prepare and submit to the Government for approval an annual financial statement and the programme of work for the succeeding financial year.

(2) The annual financial statement shall show the estimated receipts and expenditure during the succeeding financial year in such form and detail as may be prescribed.

(3) The Corporation shall be competent to make variations in the programme of work in the course of the year, provided that, all such variations and reappropriations out of the sanctioned budget are brought to the notice of the Government by a supplementary financial statement.

(4) A copy each of the annual financial statement and the programme of work and the supplementary financial statement, if any, shall be placed before the Legislative Assembly as soon as may be after their receipt by the Government.

**25. Accounts and audit.—** (1) The Corporation shall maintain books of accounts and other books in relation to its business and transaction in such form, and in such manner, as may be prescribed.

(2) The accounts of the Corporation shall be audited by an auditor appointed by the Government, in the prescribed manner.

(3) As soon as the accounts of the Corporation are audited, the Corporation shall send a copy thereof with a copy of the report of the auditor thereon to the Government.

(4) The Government shall cause the accounts of the Corporation together with the audit report thereon forwarded to it under sub-section (3) to be laid annually before the Legislative Assembly.

**26. Concurrent and special audit of accounts.—**

(1) Notwithstanding anything contained in section 25, the Government may order that there shall be concurrent audit of the accounts of the Corporation by such persons as it thinks fit. The Government may also direct a special audit to be made by such



person as it thinks fit of the accounts of the Corporation relating to any particular transaction or class or series of transaction or to a particular period.

(2) When an order is made under sub-section (1), the Corporation shall present or cause to be presented for audit such accounts and shall furnish the person appointed under sub-section (1) such information as the said person may require for the purpose of audit.

## CHAPTER V

27. *Acquisition of land for the Corporation to be a public purpose.*— Any land required by the Corporation for carrying out any of its functions shall be deemed to be needed for a public purpose and may be acquired under the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894) or any other law for the time being in force.

28. *Disposal of land by the Corporation.*— (1) Subject to any directions given by the Government under this Act, the Corporation may dispose of,—

(a) any land acquired by the Government and transferred to it, without undertaking or carrying out any development thereon; or

(b) any such land after undertaking or carrying out such development as it thinks fit, to such persons in such manner and subject to such terms and conditions, as it considers expedient for securing the purposes of this Act.

(2) The powers of the Corporation with respect to the disposal of land under sub-section (1) shall be so exercised as to secure so far as practicable, that —

(a) where the Corporation proposes to dispose of by sale any such land without any development having been undertaken or carried out thereon, the Corporation shall offer the land in the first instance to the person from whom it was acquired, if they desire to purchase it, subject to such requirements as to its development and use as the Corporation may think fit to impose;

(b) persons who are residing or carrying on business or other activities on any such land shall, if they desire to obtain accommodation on land belonging to the Corporation and are willing to comply with any requirements of the

Corporation as to its development and use, have an opportunity to obtain thereon accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them.

(3) Nothing in this Act shall be construed as enabling the Corporation without the approval of the Government to dispose of land by way of gift, mortgage or charge, but subject as aforesaid any reference in this Act to the disposal of land shall be construed as a reference to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any easement, right or privilege or otherwise.

29. *Government lands.*— (1) For the furtherance of the objects of this Act, the Government may, upon such conditions as may be agreed upon between that Government and the Corporation, place at the disposal of the Corporation any lands vested in the Government.

(2) After any such land has been developed by, or under the control and supervision of the Corporation, it shall be dealt with by the Corporation in accordance with the regulations made, and directions given by the Government in this behalf.

(3) If any land placed at the disposal of the Corporation under sub-section (1) is required at any time thereafter by the Government, the Corporation shall replace it at the disposal of the Government upon such terms and conditions as may be mutually agreed upon.

## CHAPTER VI

### Supplementary and Miscellaneous Provisions

30. *Powers of Corporation in case of certain defaults by owner of land Integrated IT Townships/IT Parks.*— (1) If the Corporation, after holding a local inquiry or upon report from any of its officers or other information in its possession, is satisfied that the owner of any land in Integrated IT Townships/IT Parks has failed to provide any amenity in relation to the land which in the opinion of the Corporation ought to be provided or has failed to carry out any development of the land for which permission has been obtained under this Act, the Corporation may serve upon the owner a notice requiring him to provide the amenity or carry out the development within such time as may be specified in the notice.

(2) If any such amenity is not provided or any such development is not carried out within the time specified in the notice, then, the Corporation may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it deems fit:

Provided that before taking any action under this sub-section, the Corporation shall afford reasonable opportunity to the owner of the land to show cause as to why such action should not be taken.

(3) All expenses incurred by the Corporation or the agency employed by it in providing the amenity or carrying out the development together with interest at such rate as the Government may by order fix, from the date when a demand for the expenses is made until payment, shall be recoverable by the Corporation from the owner.

31. *Order of demolition of building.*— (1) Where the erection of any building in an Integrated IT Township/IT Parks has been commenced, or is being carried on, or has been completed, or any existing building is altered, in contravention of the terms on which such building or the land on which it stands is held or granted under this Act, or any rules made there under, any officer of the Corporation empowered by it in this behalf may, in addition to any prosecution that may be instituted under this Act, make an order directing that such erection shall be demolished by the owner thereof within such period not exceeding two months as may be specified in the order, and on the failure of the owner to comply with the order, the officer may himself cause the erection to be demolished and the expenses of such demolition shall be recoverable by the Corporation from the owner:

Provided that, no such order shall be made unless the owner has been given a reasonable opportunity to show cause why the order should not be made.

(2) Any person aggrieved by an order under sub-section (1) may appeal against that order within thirty days from the date thereof to a Committee of the Corporation set up for the purpose by regulations made in this behalf. Such Committee may, after hearing the parties to the appeal, either allow or dismiss the appeal or reverse or vary the order or any part of it.

(3) The decision of the Committee on the appeal and subject only to such decision, the order made by the officer under sub-section (1), shall be final.

32. *Power to stop building operations.*— (1) Where the erection of any building in an Integrated IT Township/IT Parks has been commenced, or is being carried on, or has been completed, or any existing building is altered, in contravention of the terms on which such building or the land on which it stands is held or granted under this Act or any rules made thereunder any officer of the Corporation empowered in this behalf may, in addition to any prosecution that may be instituted under this Act, make an order requiring the building operations in relation to such erection to be discontinued on and from the date of service of the order.

(2) Where such building operations are not discontinued in pursuance of the requisition under sub-section (1), the Corporation or the officer empowered as aforesaid may require any police officer to remove the person by whom the erection of the building has been commenced and all his assistants and workmen from the place of the building within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

(3) After a requisition under sub-section (2) has been complied with, the Corporation or the officer empowered as aforesaid may depute by a written order a police officer or an officer, or employee of the Corporation to watch the place in order to ensure that the erection of the building is not continued.

(4) Any person failing to comply with an order made under sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred rupees for every day during which such non-compliance continues after the service of the order.

(5) No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of any order made under this section.

33. *Penalty for construction or use of land and buildings contrary to terms of holding.*— (1) Any person who, whether at his own instance or at the instance of any other person, undertakes or carries out construction of or alterations to any building in an Integrated IT Township/IT Parks contrary to the terms under which he holds such building or land under this Act or any rules made thereunder, shall, on conviction, be punished with fine which may extend to ten thousand rupees; and in the case of a continuing contravention, with a further fine

which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

(2) Any person who uses any land or building in an Integrated IT Township/IT Parks contrary to the terms under which he holds such land or building under this Act or any rules made thereunder or in contravention of the provisions of any regulations made in this behalf shall, on conviction, be punished with fine which may extend to five thousand rupees.

34. *Power to lay pipe lines, etc.*— (1) Within any area taken up for development under sub-clause (b) of clause (ii) of section 13, the Corporation or any person empowered in this behalf by the Government, by notification in the Official Gazette (hereinafter in this section referred to as "the authorized person"), may, for the purposes of (a) carrying gas; water or electricity from a source of supply to the said area or (b) constructing any sewers or drains necessary for carrying off the workings and waste liquids of an industrial process through, any intervening area, lay down, place, maintain, alter, remove or repair any pipes; pipe lines, conduits, supply or services lines, posts or other appliances or apparatus in, on, under, over, along or across, any land in such areas.

(2) The Corporation or the authorized person may at any time enter upon any land in any such area and in such event the provisions of section 35 shall mutatis mutandis apply.

(3) While exercising the power conferred by sub-section (1), the Corporation or the authorized person shall cause as little damage as possible to property. Full compensation to all persons interested for any damage sustained by them in consequence of the exercise of such power as aforesaid shall be paid, as the case may be, by the Corporation, or in the case of the authorized person, by the State Government.

(4) Nothing herein shall authorize or empower the Corporation or the authorized person to lay down or place any pipe or other works into, through or against any building or in any land not dedicated to public use without the consent of the owners and occupiers thereof, except that the Corporation or such person may at any time enter upon and lay or place any new pipe in the place

of an existing pipe in any land wherein any pipe has been already lawfully laid down or placed in pursuance of this Act, and may repair or alter any pipe so laid down:

Provided that, nothing in the aforesaid provision shall be construed to mean that the Corporation or other person is forbidden from having the said land acquired at any time by the Government in the normal course.

35. *Powers of entry.*— Any officer of the Government, any member of the Corporation, and any person, either generally or specially authorized by the Corporation in this behalf, may enter into or upon any land or building with or without assistants or workmen for the purpose of,—

(a) making any inspection, survey, measurement, valuation or enquiry or taking levels of such land or building;

(b) examining works under construction and ascertaining the course of sewers and drains;

(c) digging or boring into the sub-soil;

(d) setting out boundaries and intended lines of work;

(e) marking such levels, boundaries and lines by placing marks and cutting trenches;

(f) doing any other thing necessary for the efficient administration of this Act:

•Provided that, —

(i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;

(ii) sufficient opportunity shall in every instance be given to enable women (if any) to withdraw from such land or building;

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

36. *Officers of the Corporation may be vested with other powers.*— The Government may, by notification in the Official Gazette, nominate any officer of the Corporation to be a controller or licensing authority under any law for the time

being in force relating to the procurement or distribution of any commodity in respect of the industrial undertakings established or to be established in the Integrated IT Township/IT Parks entrusted to or developed by the Corporation and no such nomination shall be called into question merely on the ground that such officer is not an officer of the Government.

37. *Overriding powers of Government to issue directions to local authorities.*— Notwithstanding anything contained in any other law, or in any license or permit, if the Government is satisfied, either on a recommendation made in this behalf by the Corporation or otherwise, that the setting up of an industrial undertaking in the Integrated IT Township/IT Parks is impeded by a local authority's refusal to grant, or by such authority's insistence on conditions which the Government considers unreasonable for the grant of, any amenity, the Government may direct the local authority to grant the said amenity on such conditions as it may consider fit; and thereupon the amenity shall be granted:

Provided that the charge to be paid for granting or continuing such amenity to the local authority concerned is not less than the cost to the local authority or licensee concerned for providing such amenity:

Provided further that, no such direction shall be issued by the Government unless the local authority shall have been given a reasonable opportunity to show cause why any such direction should not be made.

38. *Declaration as Integrated IT Township/IT Parks.*— (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, the Government may, by notification in the Official Gazette,

(a) declare an area which is—

(1) earmarked as Integrated IT Township/IT Parks; and

(2) having adequate facilities in respect of power, roads, water supply, to be notified area;

(b) appoint the Corporation or any Officer or Committee thereof for the purpose of the assessment and recovery of any taxes when imposed as per the provisions made thereof;

(c) declare that the provisions of any law relating to local authorities providing for control

or erection of buildings, levy and collection of taxes, fees and other dues to the local authority which is in force in that area shall cease to apply and thereupon such provisions shall cease to apply thereof.

Provided that the Municipalities and the Village Panchayats which were receiving house tax from the occupants in the Integrated IT Township/IT Parks under their respective laws, shall be compensated by the Government to the extent of the last financial year's collection of taxes for such period as may be determined by the Government which shall not be less than five years;

(d) make other provision as is necessary for the purpose of the enforcement of the provisions so provided to that area.

(2) Before the publication of a notification under sub-section (1), the Government shall cause to be published in the Official Gazette and also in at least one newspaper published in a language other than english and circulating in the area to be specified in the notification, and inviting from all persons who have any objections to the said proposal, to submit the same in writing with reasons therefor to the Government within two months from the date of publication of the proclamation in the Official Gazette.

(3) No such notification under sub-section (1) shall be issued by the Government, unless the objections, if any, so submitted under sub-section (2), are, in its opinion, insufficient or invalid.

39. *Recovery of sums due to the Corporation as arrears of land revenue.*— All sums payable by any person to the Corporation or recoverable by it by or under this Act and all charges or expenses incurred in connection therewith shall, without prejudice to any other mode of recovery, be recoverable as arrears of land revenue on the application of the Corporation.

40. *Service of notices, etc.*— (1) All notices, orders and other documents required by this Act or any rule or regulation made there under to be served upon any person shall, save as otherwise provided in this Act or such rule or regulation be deemed to be duly served—

(a) where the person to be served is a company, the service is effected in accordance with the provisions of section 51 of the Companies Act, 1956 (1 of 1956);



(b) where the person to be served is a firm, if the document is addressed to the firm at its principal place of business identifying it by the name or style under which its business is carried on, and is either—

(i) sent under a certificate of posting or by registered post; or

(ii) left at the said place of business;

(c) where the person to be served is a statutory public body or a corporation or a society or other body, if the document is addressed to the secretary, treasurer or other chief officer of that body, corporation or society, at its principal office and is either—

(i) sent under a certificate of posting or by registered post; or

(ii) left at that office;

(d) in any other case, if the document is addressed to the person to be served and—

(i) is given or tendered to him; or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates; or

(iii) is sent under a certificate of posting or by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed to "the owner" or "the occupier", as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served—

(a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed, is given or tendered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed on some conspicuous part of the land or building.

(3) Where a document is served on a firm in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property, the occupier (if any) of the property may be required by notice in writing by the Government or the Corporation, as the case may be, to state the name and address of the owner thereof.

41. *Public notices how to be made known.*— Every public notice given under this Act or any rule or regulation made thereunder shall be in writing over the signature of the officer concerned and shall be widely made known in the locality to be affected thereby affixing copies thereof in conspicuous public places, within the said locality, or by publishing the same by beat of drum or by advertisement in a local newspaper, or by any two or more of these means, and by any other means that the officer may think fit.

42. *Notices, etc., to fix reasonable time.*— Where any notice, order or other document issued or made under this Act or any rule or regulation made there under requires anything to be done for the doing of which no time is fixed by this Act or the rule or regulation, the notice, order or other document shall specify a reasonable period of time for doing the same or complying therewith.

43. *Furnishing of returns etc.*— (1) The Corporation shall furnish to the Government such returns, statistics, reports, accounts and other information with respect to its conduct of affairs, properties or activities or in regard to any proposed work or scheme as the Government may from time to time require.

(2) The Corporation shall, in addition to the audit report referred to in section 25, furnish to the Government an annual report on its working as soon as may be after the end of each financial year in such form and detail as may be prescribed, and a copy of the annual report shall be placed before the Legislative Assembly as soon as may be after it is received by the Government.

44. *Withdrawal of area or estate or part thereof.*— Where the Government is satisfied that in respect of any particular Integrated IT Township/IT Parks, or, any part thereof, the purpose for which the Corporation was established under this Act has been substantially achieved so as to render the continued existence of such Township/Parks or area or part thereof under the Corporation unnecessary, the Government may, by notification in the Official Gazette, declare that such Integrated

IT Township/IT Parks or part thereof has been removed from the jurisdiction of the Corporation. The Government may also make such other incidental arrangements for the administration of such estate or area or part thereof as the circumstances necessitate.

45. *Default in performance of duty.*— (1) If the Government is satisfied the Corporation has made a default in performing of any duty or obligation imposed or cast on it by or under this Act, the Government may fix a period for the performance of that duty or obligation and give notice to the Corporation accordingly.

(2) If, in the opinion of the Government, the Corporation fails or neglects to perform such duty or obligation within the period so fixed for its performance, it shall be lawful for the Government to supersede and reconstitute the Corporation, as it deems fit.

(3) After the supersession of the Corporation and until it is reconstituted in the manner laid down in Chapter II, the powers, duties and functions of the Corporation under this Act shall be carried on by the Government or by such officer or officers or body of officers as the Government may appoint for this purpose from time to time.

(4) All property vested in the Corporation shall, during the period of supersession, vest in the Government.

46. *Dissolution of Corporation.*— (1) Where the Government is satisfied that the purposes for which the Corporation was established under this Act have been substantially achieved so as to render the continued existence of the Corporation in the opinion of the Government unnecessary, the Government may, by notification in the Official Gazette, declare that the Corporation shall be dissolved with effect from such date as may be specified in the notification, and the Corporation shall be deemed to be dissolved accordingly.

(2) From the said date—

(a) all properties, funds and dues which are vested in, or realisable by, the Corporation, shall vest in, or be realisable by, the Government;

(b) all liabilities which are enforceable against the Corporation shall be enforceable against the Government.

47. *Authority for prosecution.*— Unless otherwise expressly provided, no Court shall take

cognisance of any offence relating to property belonging to, or vested by or under this Act in the Corporation, punishable under this Act, except on the complaint of, or upon information received from, the Corporation or some person authorised by the Corporation by general or special order in this behalf.

48. *Composition of offences by Corporation.*— (1) The Corporation or any person authorised by the Corporation by general or special order in this behalf may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

49. *Offence by companies.*— (1) Whenever an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, or was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any Director, manager, secretary or other officer, they shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*— For the purposes of this section—

(a) "company" means any body corporate, and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

50. *Penalty for obstruction.*— (1) Any person who obstructs the entry of a person authorised

under section 35 or any person with whom the Corporation has entered into a contract for the performance and execution of any act by such person, to enter into or upon any land or building or molests such person after such entry or who obstructs the lawful exercise by him of any power conferred by or under this Act shall, on conviction by a competent Court, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) If any person removes any mark set up for the purpose of indicating any level, boundary line, or direction necessary to the execution of works authorised under this Act, he shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to Rs.1000/- or with both.

**51. Power to make rules.**— (1) The Government, after consultation with the Corporation in regard to matters concerning it, may, by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Provided that, consultation with the Corporation shall not be necessary on the first occasion of the making of rules under this section, but the Government shall take into consideration any suggestions which the Corporation may make in relation to the amendment of such rules after they are made.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) under section 6, the salary and allowances and honorarium of members of the Corporation;

(b) under section 12, the conditions of appointment and service and the scales of pay of the Managing Director and Chief Accounts Officer of the Corporation;

(c) under section 18, the sums of money to be kept by the Corporation in current and deposit accounts;

(d) under section 20, the condition subject to which the Corporation may borrow;

(e) under section 24, the date by which the annual financial statement and programme of work shall be submitted by the Corporation to

the Government and the form and manner of preparing such statements;

(f) under section 25, the manner of maintaining accounts;

(g) under section 43, the form of, and the details to be given in, the annual report;

(h) the fees which may be charged by the Corporation;

(i) any other matter which has to be, or may be, prescribed by the rules.

(3) All rules made under this section shall be laid for not less than fourteen days before the Legislative Assembly as soon as possible after they are made, and shall be subject to such modifications as the Assembly may make during the session in which they are so laid, or the session immediately following.

**52. Power to make regulations.**— (1) The Corporation may, with the previous approval of the Government, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act and without prejudice to the generality of this power, such regulations may provide for:—

(a) under section 7, the time and place of meetings of the Corporation and the procedure to be followed in regard to the transaction of business at such meetings;

(b) under section 12, the conditions of appointment and service and the scales of pay of officers and servants of the Corporation, other than the Managing Director and the Chief Accounts Officer;

(c) under section 18, the officer of the Corporation who may operate its accounts;

(d) under section 29, the manner in which Government lands shall be dealt with by the Corporation after development;

(e) under section 31, the Committee of the Corporation to hear appeals under that section and the procedure to be followed by it;

(f) under section 33, the additional terms and conditions subject to which lands and buildings in Integrated IT Township/IT Parks may be held or used;

(g) any other matter which has to be, or may be, provided by regulations.

(2) All regulations made under this section shall be published in the Official Gazette and shall be laid for not less than fourteen days before the Legislative Assembly as soon as possible after they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid, or the session immediately following.

53. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

54. *Notice to suit and limitation of suits against Corporation, Committees, Officers and servant for acts done in pursuance of execution of this Act.*— (1) No suit shall lie against the Corporation or against any Committee constituted under this Act, or against any Officer, or servant of the Corporation in respect of any act done in pursuance of execution or intending execution of this Act, or in respect of any alleged neglect, or default in the execution of this Act,—

(a) unless it is commenced within six months after the accrual of the cause of action; and

(b) until the expiration of two months after the notice in writing has been, in the case of the Corporation or its Committee, delivered or left at the Corporation's office and in the case of an Officer or servant of Corporation, delivered to him or left at his office or place of abode; and all such notices shall state with reasonable particulars the cause of action and the name and place of abode of the intending plaintiff and of his advocate, pleader, or agent, if any, for the purpose of the suit.

(2) If the defendant in any such suit is an officer, or servant of the Corporation, payment of any sum or part thereof payable by him in or in consequence of, the suit, may, with the sanction of the Corporation, be made from the Corporation funds.

55. *Members, officers and staff of Corporation to be public servants.*— All members, officers and servants of the Corporation shall, when acting or purporting to act in pursuance of any of the provisions of this act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (XLV of 1860).

56. *Power to remove doubts and difficulties.*— If any doubt or difficulty arises in giving effect to

the provisions of this Act, the Government may, by order, make provision or give such direction not inconsistent with the express provisions of this Act, as may appear to it to be necessary or expedient for the removal of the doubt or difficulty, and the order of the Government, in such cases, shall be final.

57. *Act to have overriding effect.*— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Goa Municipalities Act, 1968 (Act 7 of 1969), the Goa Panchayat Raj Act, 1994 (Act 14 of 1994) and the City of Panaji Corporation Act, 2002 (Act 1 of 2003).

58. *Repeal and saving.*— (1) The Goa Information Technology Development Ordinance, 2006, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act was in force of the day on which such thing or action was done or taken.

#### Statement of Objects and Reasons.

This Bill seeks to make special provisions for securing the orderly establishment of Integrated Information Technology Township/Information Technology Parks in the State of Goa and to assist generally in the Organization thereof, and for that purpose to establish an Information Technology Development Corporation in the State of Goa. The Bill also seeks to repeal the Goa Information Technology Development Ordinance, 2006, promulgated by the Governor of Goa on 25-11-2006, for the aforesaid purpose.

This Bill seeks to achieve the above objects.

#### Financial Memorandum

As this corporation is expected to earn its own revenues, and, hence, no financial support from the Government is envisaged at this point of time.

#### Memorandum Regarding Delegated Legislation

Clause 2(a) of the Bill empowers the Government to specify an amenity by notification in the Official Gazette.



Clause 3(1) of the Bill empowers the Government to establish, by notification in the Official Gazette, the Goa Information Technology Development Corporation.

Clause 6 (2) of the Bill empowers the Government to frame rules to specify the honorarium and compensatory allowances entitled to the Directors of the Corporation.

Clause 7(1) of the Bill empowers the Corporation to frame regulations providing for the time, place of meetings of Corporation and the rules of procedure in regard to the transaction of its business.

Clause 8 (2) of the Bill empowers the Government to, by order, suspend or remove from office any Director of the Corporation.

Clause 12 (3) (a) of the Bill empowers the Government to frame rules specifying the conditions of appointment and service and scales of pay of the Managing Director and the chief Accounts Officer of the Corporation.

Clause 12 (3)(b) of the Bill provides for framing of regulations by the Corporation to specify conditions of appointment, service and pay scale of other officers and servants of the Corporation.

Clause 18(2) of the Bill empowers the Government to frame rules specifying the sums of money to be kept by the Corporation in current and deposit accounts.

Clause 18(3) of the Bill empowers the Corporation to make regulations authorizing the officers of the Corporation who may operate the accounts of the Corporation.

Clause 20 of the Bill empowers the Government to frame rules to specify the conditions subject to which the Corporation may borrow money.

Clause 24 of the Bill empowers the Government to frame rules specifying the date by which the annual financial statement and programme of work to be submitted by the Corporation and the form and manner of preparing such statements.

Clause 25 of the Bill empowers the Government to frame rules specifying the manner of maintaining accounts of the Corporation.

Clause 29 of the Bill empowers the Corporation to make regulations specifying the manner in which lands shall be dealt with by the Corporation after development.

Clause 30 (3) of the Bill empowers the Government to, by order, fix the rate of interest.

Clause 31(2) of the Bill empowers the Corporation to make regulations to setup a committee to hear appeal filled under clause 31 and the procedure to be followed by it.

Clause 34 of the Bill empowers the Government to, by notification in the Official Gazette, empower any person to lay down, place, maintain, alter, remove or repair any pipe, pipelines, conduits etc.

Clause 36 of the Bill empowers the Government to nominate, by notification in the Official Gazette, any officer of the corporation to be a controller or licensing authority under any law.

Clause 38 of the Bill empowers the Government to declare an area to be notified area, by notification in the Official Gazette.

Clause 43 of the Bill empowers the Government to frame rules specifying the form and details of the annual report.

Clause 44 of the Bill empowers the Government to declare, by notification in the Official Gazette, that Integrated IT, Township/IT Parks or part thereof has been removed from the jurisdiction of the Corporation.

Clause 47 of the Bill empowers the Corporation to by general or special order, authorize a person to make complaint or give information of any offence relating to property of the Corporation, to the Government.

Clause 51 of the Bill empowers the Government to frame rules for carrying out the purposes of the Act.

Clause 52 of the Bill empowers the Corporation to frame regulations for carrying out the purposes of the Act.

Clause 56 of the Bill empowers the Government to make order for removing any doubt or difficulty, which arose while giving effect to the provisions of the Act.

These delegations are of normal character.

Assembly Hall,  
Porvorim-Goa.  
22nd January, 2007.

T. N. DHURVA KUMAR  
Secretary, (Legislature)